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8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation/Petition to  
12 Revoke Probation Against:

Case No. *2011-946*

13 **SALDY ALBERT DAONO SISON**  
14 **aka ZALDY JOSE SISON ESTRADA**  
3012 Sunnynook Drive  
Los Angeles, California 90039

**ACCUSATION AND PETITION TO  
REVOKE PROBATION**

15 Registered Nurse License No. 519163

16 Respondent.  
17

18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
22 Consumer Affairs (Board).

23 2. On or about February 7, 1996, the Board issued Registered Nurse License  
24 No. 519163 to Saldy Albert Dacono Sison aka Zaldy Jose Sison Estrada (Respondent). On or  
25 about August 20, 2000, Respondent's license was revoked in a prior disciplinary matter, Case No.  
26 2000-74.

27 3. On or about August 22, 2008, the Board issued a Decision *In the Matter of Petition*  
28 *for Reinstatement of Saldy Albert D. Sison*, Case No. 2008050680, wherein Respondent's

1 Registered Nurse License was reinstated, revoked, the order of revocation immediately stayed,  
2 and Respondent was placed on probation for a period of five (5) years with certain terms and  
3 conditions. A copy of that decision is attached as Exhibit A and is incorporated by reference.

4 4. The Registered Nurse License will expire on May 31, 2013, unless renewed.

#### 5 JURISDICTION

6 5. This Accusation and Petition to Revoke Probation is brought before the Board under  
7 the authority of the following laws. All section references are to the Business and Professions  
8 Code unless otherwise indicated.

9 6. Section 118, subdivision (b), provides that the suspension, expiration, surrender or  
10 cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary  
11 action during the period within which the license may be renewed, restored, reissued or  
12 reinstated.

13 7. Section 2750 provides that the Board may discipline any licensee, including a  
14 licensee holding a temporary or an inactive license, for any reason provided in Article 3  
15 (commencing with section 2750) of the Nursing Practice Act.

16 8. Section 2764 provides that the expiration of a license shall not deprive the Board of  
17 jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision  
18 imposing discipline on the license. Under section 2811, subdivision (b), the Board may renew an  
19 expired license at any time within eight (8) years after the expiration.

#### 20 ACCUSATION

#### 21 STATUTORY PROVISIONS

22 9. Section 490 provides that a board may suspend or revoke a license on the ground that  
23 the licensee has been convicted of a crime substantially related to the qualifications, functions, or  
24 duties of the business or profession for which the license was issued.

25 10. Section 2761 states, in pertinent part:

26 "The board may take disciplinary action against a certified or licensed nurse or deny an  
27 application for a certificate or license for any of the following:

28 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

1       ....  
2       "(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the  
3 violating of, or conspiring to violate any provision or term of this chapter [the Nursing Practice  
4 Act] or regulations adopted pursuant to it.

5       ....  
6       "(f) Conviction of a felony or of any offense substantially related to the qualifications,  
7 functions, and duties of a registered nurse, in which event the record of the conviction shall be  
8 conclusive evidence thereof. . . ."

9       11. Section 2762 states, in pertinent part:

10       "In addition to other acts constituting unprofessional conduct within the meaning of this  
11 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this  
12 chapter to do any of the following:

13       ....  
14       "(b) Use any controlled substance as defined in Division 10 (commencing with Section  
15 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in  
16 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to  
17 himself or herself, any other person, or the public or to the extent that such use impairs his or her  
18 ability to conduct with safety to the public the practice authorized by his or her license. . . ."

### 19                   REGULATORY PROVISIONS

20       12. California Code of Regulations, title 16, section 1444 states, in pertinent part:

21       "A conviction or act shall be considered to be substantially related to the qualifications,  
22 functions or duties of a registered nurse if to a substantial degree it evidences the present or  
23 potential unfitness of a registered nurse to practice in a manner consistent with the public health,  
24 safety, or welfare. . . ."

### 25                   COST RECOVERY

26       13. Section 125.3 provides, in pertinent part, that the Board may request the  
27 administrative law judge to direct a licensee found to have committed a violation or violations of

28       ///

1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
2 enforcement of the case.

3 **CONTROLLED SUBSTANCES / DANGEROUS DRUGS**

4 14. Amphetamine, is a Scheduled II controlled substance as defined in Health and Safety  
5 Code section 11055(d)(1), and is categorized as a dangerous drug pursuant to section 4022.

6 15. Methamphetamine is a Schedule II controlled substance as defined in Health and  
7 Safety Code section 11055(d)(2), and is categorized as a dangerous drug pursuant to  
8 section 4022.

9 **FIRST CAUSE FOR DISCIPLINE**

10 **(Conviction of Substantially Related Crime)**

11 16. Respondent is subject to disciplinary action under sections 490 and 2761,  
12 subdivision (f), in conjunction with California Code of Regulations, title 16, section 1444, on the  
13 grounds of unprofessional conduct, in that on or about July 10, 2008, Respondent was convicted  
14 of a crime substantially related to the qualifications, functions or duties of a registered nurse  
15 which to a substantial degree evidences his present and potential unfitness to practice in a manner  
16 consistent with the public health, safety, or welfare, as follows:

17 a. On or about July 10, 2008, after pleading nolo contendere, Respondent was convicted  
18 of one misdemeanor count of violating Vehicle Code section 23152(a) [driving while under the  
19 influence of alcohol/drugs] in the criminal proceeding entitled *The People of the State of*  
20 *California v. Saldy Albert Sison* (Super. Ct. Los Angeles County, 2008, No. 8GN02061). The  
21 Court placed Respondent on 36 months of probation, ordered him to complete a 3-month  
22 Licensed First Offender Program, and ordered him to attend 72 AA meetings, minimum three (3)  
23 meetings per week.

24 b. The circumstances underlying the conviction are that on or about April 1, 2008,  
25 Respondent was driving while under the tested influence of amphetamine and methamphetamine,  
26 without a valid prescription.

27 ///

28 ///



the petitioner's compliance with the Board's Probation Program. Petitioner shall inform the Board, including during any period of suspension.

(11) VIOLATION OF PROBATION - If a petitioner violates the conditions of his probation, the Board after giving petitioner notice and an opportunity to be heard, may set aside the stay order and impose the stayed discipline (revocation/suspension) of the petitioner's license.

If during the period of probation, an accusation or petition to revoke probation has been filed against petitioner's license or the Attorney General's Office has been requested to prepare an accusation or petition to revoke probation against the petitioner's license, the probationary period shall automatically be extended and shall not expire until the accusation or petition has been acted upon by the Board.

(15) ABSTAIN FROM USE OF PSYCHOTROPIC (MOOD-ALTERING) DRUGS - Petitioner shall completely abstain from the possession, injection or consumption by any route of all psychotropic (mood altering) drugs, including alcohol, except when the same are ordered by a health care professional legally authorized to do so as part of documented medical treatment. Petitioner shall have sent to the Board, in writing and within fourteen (14) days, by the prescribing health professional, a report identifying the medication, dosage, the date of the medication was prescribed, the petitioner's prognosis, the date the medication will no longer be required, and the effect on the recovery plan, if appropriate.

Petitioner shall identify for the Board a single physician, nurse practitioner or physician assistant who shall be aware of petitioner's history of substance abuse and will coordinate and monitor any prescriptions for petitioner for dangerous drugs, controlled substances, or mood-altering drugs. The coordinating physician, nurse practitioner, or physician assistant shall report to the Board on a quarterly basis petitioner's compliance with this condition. If any substances considered addictive have been prescribed, the report shall identify a program for the time limited use of any such substances.

The Board may require the single coordinating physician, nurse practitioner, or physician assistant to be a specialist in addictive medicine, or to consult with a specialist in addictive medicine.

### FIRST CAUSE TO REVOKE PROBATION

#### **(Report All Violations of the Law)**

20. Respondent's probation is subject to revocation because he failed to comply with Probation Condition 1, Obey All Laws, in that he failed to report in writing to the Board a full and detailed account of any and all of his violations of law within seventy-two (72) hours of their occurrence.

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1           21. On or about April 1, 2008, Respondent was under the influence of controlled  
2 substances and dangerous drugs without valid prescriptions, and drove while under said  
3 influence.

4           22. On or about July 10, 2008, Respondent sustained a substantially related criminal  
5 conviction in *People v. Sison, supra*, for driving under the influence of drugs.

6           23. Respondent's conviction occurred after the June 12, 2008 hearing on his Petition for  
7 Reinstatement of his license with the Board and before the Board's August 22, 2008 effective  
8 date of its Decision in Case No. 2008050680, that reinstated Respondent's license with  
9 probationary terms.

10          24. Respondent's obligation to report to the Board all violations of the law did not exist  
11 prior to his Reinstatement since his license was revoked; however, as he had never reported this  
12 violation to the Board, Respondent was required to report the conviction to the Board following  
13 reinstatement of his license. Such obligation to report violations of the law is a continuing  
14 obligation until disclosure is made. Respondent failed to voluntarily make full disclosure at all  
15 time both prior to and following his reinstatement.

16          25. Respondent committed acts of unprofessional conduct and violated the Nursing  
17 Practice Act. Complaint refers to and by this reference incorporates the allegations set forth  
18 above in paragraphs 16 -18, inclusive, as though set forth fully.

19                                   **DISCIPLINARY CONSIDERATIONS**

20          26. To determine the degree of discipline, Complainant alleges that:

21           a. On or about the effective date of August 20, 2000, in a prior disciplinary action  
22 before the Board, entitled *In the Matter of the Accusation Against Zaldy Jose Sison Estrada aka*  
23 *Saldy Albert Dacono Sison*, Case No. 2000-74, Respondent's license was revoked for  
24 unprofessional conduct. The circumstances are that Respondent submitted false billing  
25 statements to an employer, Unicare Home Health services, Inc., and falsified a patient's chart,  
26 violating section 810; and sustained a criminal conviction for grand theft, to wit, in 1989,

1 Respondent stole a large sum of money (\$2,800.00) from a previous employer, Security Pacific  
2 Bank<sup>1</sup>. That decision is now final and is incorporated by reference as if fully set forth.

3 b. On or about the effective date of February 15, 2004, in a prior action before the Board  
4 entitled *In the Matter of the Petition for Reinstatement: Saldy Albert Dacono Sison*, Case No.  
5 L2003110301, Respondent's petition for reinstatement was denied. Respondent failed to  
6 demonstrate rehabilitation and fitness to practice. In or about November 16, 1999,  
7 Respondent/Petitioner was convicted on his plea of guilty to violating Business and Professions  
8 Code section 4324(a) [forgery of a prescription], and placed on three (3) years of probation. In  
9 another criminal matter against Respondent, sometime in 2002, Respondent was arrested for  
10 "fighting with friends," and ordered to complete 36 weeks of anger management counseling.  
11 Respondent admitted to being addicted to Vicodin in 1999 when he forged the prescription.  
12 Respondent presented no documentary evidence of his performance in any program of drug  
13 rehabilitation. That decision is now final and is incorporated by reference as if fully set forth.

14 c. On or about the effective date of February 22, 2006, in a prior action before the Board  
15 entitled *In the Matter of the Petition for Reinstatement: Saldy Albert Dacono Sison*, Case No.  
16 L2005110022, Respondent's petition was denied. Respondent failed to present sufficient  
17 evidence of his rehabilitation. That decision is now final and is incorporated by reference as if  
18 fully set forth.

### 19 PRAYER

20 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
21 and that following the hearing, the Board of Registered Nursing issue a decision:

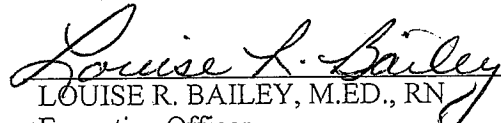
22 1. Revoking the probation that was granted by the Board in Case No. 2008050680 and  
23 imposing the disciplinary order that was stayed thereby revoking Registered Nurse License  
24 No. 519163 issued to Saldy Albert Dacono Sison;

25 \_\_\_\_\_  
26 <sup>1</sup> On or about May 16, 2000, on cross-examination at Respondent's hearing, in Board  
27 Case No. 20000-74, it was revealed that in or about August 1992, after pleading guilty,  
28 Respondent was convicted of grand theft in the criminal proceeding entitled *The People of the State of California v. Zaldy Jose Estrada* (Super. Ct. Los Angeles County, 1989, No. BA-005907-01).



- 1           2.     Revoking or suspending Registered Nurse License No. 519163, issued to Saldy  
2     Albert Dacono Sison;  
3           3.     Ordering Saldy Albert Dacono Sison to pay the Board the reasonable costs of the  
4     investigation and enforcement of this case, pursuant to section 125.3; and  
5           4.     Taking such other and further action as deemed necessary and proper.  
6

7     DATED: May 31, 2011

  
LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
*Complainant*

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**Exhibit A**  
**Decision and Order, OAH No. 2008050680**  
**Board of Registered Nursing**

BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Petition for  
Reinstatement of:

**SALDY ALBERT D. SISON**

Registered Nurse License No. 519163

Petitioner.

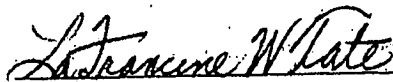
OAH No. 2008050680

**DECISION**

The attached Decision of the Board of Registered Nursing is hereby adopted by the Board as its Decision in the above-entitled matter.

This Decision shall become effective on August 22, 2008.

IT IS SO ORDERED this 24<sup>th</sup> day of July 2008.



President  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California

BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of Petition for Reinstatement  
of:

SALDY ALBERT D. SISON,

Petitioner.

OAH No. 2008050680

**DECISION**

This matter was heard by a quorum of the Board of Registered Nursing (Board) on June 12, 2008, in Burlingame, California. The Board members participating in the hearing and decision were LaFrancine Tate, Public Member, President; Susanne Phillips, MSN, RN, APRN-BC, FNP, Vice President; Andrea Dutton, Public Member; Elizabeth O. Dietz, Ed.D., RN, CS-NP; Nancy Beecham, RNC, BS; and Janice Glaab, Public Member. Administrative Law Judge Ruth S. Astle, State of California, Office of Administrative Hearings, presided.

Hannah H. Rose, Deputy Attorney General, represented the Department of Justice, State of California.

Petitioner Saldy Albert D. Sison was present and represented himself.

The matter was submitted on June 12, 2008.

**FACTUAL FINDINGS**

1. Saldy Albert D. Sison, also known as Albert Dacono Sison, Saldy A. Sison, Saldy Jose Sison Estrada and Zaldy Jose Sison Estrada (petitioner), was issued RN License number 519163 on February 7, 1996. His license was revoked effective August 20, 2000, for unprofessional conduct by making fraudulent entries in patient records and billing for home visits, which he never made. Petitioner had a prior criminal history including grand theft.

Petitioner has twice petitioned the Board for reinstatement of his revoked license. He was denied reinstatement in December 2003 and again in December 2005. Both prior petitions were denied for lack of evidence of rehabilitation.

2. Petitioner has an alcohol abuse problem. He is active in AA. He has been sober since December 2005. His sponsor testified that petitioner has been working the

"steps" with him. Petitioner has been volunteering at the Union Rescue Mission. His sponsor talks with petitioner every day. Petitioner's sponsor testified that petitioner has a bright mind. His sponsor believes petitioner is committed to his recovery and has the drive to succeed. Petitioner is on time to all his meetings with his sponsor and does everything his sponsor asks of him. Petitioner presented proof of attendance at AA meetings as requested by the Board.

3. Petitioner has not worked as a nurse since 2000. He has 30 CE units that he completed on March 17, 2008.

4. The Board finds that petitioner has demonstrated sufficient rehabilitation to allow reinstatement of his revoked license upon terms and conditions as set forth below.

### LEGAL CONCLUSIONS

1. Government Code section 11522 allows petitioner to petition for reinstatement of his license. Business and Professions Code section 2760.1, also allows petitioner to petition for reinstatement.

2. California Code of Regulations, title 16, section 1445, sets forth the criteria to be used in evaluating rehabilitation. Petitioner has demonstrated sufficient rehabilitation to warrant reinstatement of his license upon terms and conditions.

### ORDER

The Petition of Saldy Albert Dacono Sision for reinstatement of his registered nursing license is hereby granted. Upon successful completion of the licensure examination and all other licensing requirements, a license shall be issued to petitioner. That license shall be immediately revoked, the order of revocation is stayed and petitioner's license shall be placed on probation for a period of five years with the following terms and conditions. Each condition of probation contained herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

- (1) OBEY ALL LAWS - Petitioner shall obey all federal, state and local laws. A full and detailed account of any and all violations of law shall be reported by petitioner to the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with this condition, petitioner shall submit completed fingerprint forms and fingerprint fees within 45 days of the effective date of the decision, unless previously submitted as part of the licensure application process.

CRIMINAL COURT ORDERS: If petitioner is under criminal court orders, including probation or parole, and the order is violated, this shall be deemed a violation of these probation conditions, and may result in the filing of an accusation and/or petition to revoke probation.

- (2) COMPLY WITH THE BOARD'S PROBATION PROGRAM - Petitioner shall fully comply with the conditions of the Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of the petitioner's compliance with the Board's Probation Program. Petitioner shall inform the Board in writing within no more than 15 days of any address change and shall at all times maintain an active, current license status with the Board, including during any period of suspension.

Upon successful completion of probation, petitioner's license shall be fully restored.

- (3) REPORT IN PERSON - Petitioner, during the period of probation, shall appear in person at interviews/ meetings as directed by the Board or its designated representatives.
- (4) RESIDENCY, PRACTICE, OR LICENSURE OUTSIDE OF STATE - Periods of residency or practice as a registered nurse outside of California shall not apply toward a reduction of this probation time period. Petitioner's probation is tolled, if and when he resides outside of California. Petitioner must provide written notice to the Board within 15 days of any change of residency or practice outside the state, and within 30 days prior to re-establishing residency or returning to practice in this state.

Petitioner shall provide a list of all states and territories where he has ever been licensed as a registered nurse, vocational nurse, or practical nurse. Petitioner shall further provide information regarding the status of each license and any changes in such license status during the term of probation. Petitioner shall inform the Board if he applies for or obtains a new nursing license during the term of probation.

- (5) SUBMIT WRITTEN REPORTS - Petitioner, during the period of probation, shall submit or cause to be submitted such written reports/declarations and verification of actions under penalty of perjury, as required by the Board. These reports/declarations shall contain statements relative to petitioner's compliance with all the conditions of the Board's Probation Program. Petitioner shall immediately execute all release of information forms as may be required by the Board or its representatives.

Petitioner shall provide a copy of this decision to the nursing regulatory agency in every state and territory in which he has a registered nurse license.

- (6) FUNCTION AS A REGISTERED NURSE - Petitioner, during the period of probation, shall engage in the practice of registered nursing in California for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

For purposes of compliance with the section, "engage in the practice of registered nursing" may include, when approved by the Board, volunteer work as a registered nurse, or work in any non-direct patient care position that requires licensure as a registered nurse.

The Board may require that advanced practice nurses engage in advanced practice nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

If petitioner has not complied with this condition during the probationary term, and petitioner has presented sufficient documentation of his good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of petitioner's probation period up to one year without further hearing in order to comply with this condition. During the one year extension, all original conditions of probation shall apply.

- (7) EMPLOYMENT APPROVAL AND REPORTING REQUIREMENTS - Petitioner shall obtain prior approval from the Board before commencing or continuing any employment, paid or voluntary, as a registered nurse. Petitioner shall cause to be submitted to the Board all performance evaluations and other employment related reports as a registered nurse upon request of the Board.

Petitioner shall provide a copy of this decision to his employer and immediate supervisors prior to commencement of any nursing or other health care related employment.

In addition to the above, petitioner shall notify the Board in writing within seventy-two (72) hours after he obtains any nursing or other health care related employment. Petitioner shall notify the Board in writing within seventy-two (72) hours after he is terminated or separated, regardless of cause, from any nursing, or other health care related employment with a full explanation of the circumstances surrounding the termination or separation.

- (8) SUPERVISION - Petitioner shall obtain prior approval from the Board regarding petitioner's level of supervision and/or collaboration before

commencing or continuing any employment as a registered nurse, or education and training that includes patient care.

Petitioner shall practice only under the direct supervision of a registered nurse in good standing (no current discipline) with the Board of Registered Nursing, unless alternative methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are approved.

Petitioner's level of supervision and/or collaboration may include, but is not limited to the following:

- (a) Maximum - The individual providing supervision and/or collaboration is present in the patient care area or in any other work setting at all times.
  - (b) Moderate - The individual providing supervision and/or collaboration is in the patient care unit or in any other work setting at least half the hours petitioner works.
  - (c) Minimum - The individual providing supervision and/or collaboration has person-to-person communication with petitioner at least twice during each shift worked.
  - (d) Home Health Care - If petitioner is approved to work in the home health care setting, the individual providing supervision and/or collaboration shall have person-to-person communication with petitioner as required by the Board each work day. Petitioner shall maintain telephone or other telecommunication contact with the individual providing supervision and/or collaboration as required by the Board during each work day. The individual providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to patients' homes visited by petitioner with or without petitioner present.
- (9) EMPLOYMENT LIMITATIONS - Petitioner shall not work for a nurse's registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a traveling nurse, or for an in-house nursing pool.

Petitioner shall not work for a licensed home health agency as a visiting nurse unless the registered nursing supervision and other protections for home visits have been approved by the Board. Petitioner shall not work in any other registered nursing occupation where home visits are required.

Petitioner shall not work in any health care setting as a supervisor of registered nurses. The Board may additionally restrict petitioner from supervising licensed vocational nurses and/or unlicensed assistive personnel on a case-by-case basis.



Petitioner shall not work as a faculty member in an approved school of nursing or as an instructor in a Board approved continuing education program.

Petitioner shall work only on a regularly assigned, identified and predetermined worksite(s) and shall not work in a float capacity.

If petitioner is working or intends to work in excess of 40 hours per week, the Board may request documentation to determine whether there should be restrictions on the hours of work.

- (10) COMPLETE A NURSING COURSE(S) - Petitioner, at his own expense, shall enroll and successfully complete a course(s) relevant to the practice of registered nursing no later than six months prior to the end of his probationary term.

Petitioner shall obtain prior approval from the Board before enrolling in the course(s). Petitioner shall submit to the Board the original transcripts or certificates of completion for the above required course(s). The Board shall return the original documents to petitioner after photocopying them for its records.

- (11) VIOLATION OF PROBATION - If a petitioner violates the conditions of his probation, the Board after giving petitioner notice and an opportunity to be heard, may set aside the stay order and impose the stayed discipline (revocation/suspension) of the petitioner's license.

If during the period of probation, an accusation or petition to revoke probation has been filed against petitioner's license or the Attorney General's Office has been requested to prepare an accusation or petition to revoke probation against the petitioner's license, the probationary period shall automatically be extended and shall not expire until the accusation or petition has been acted upon by the Board.

- (12) LICENSE SURRENDER - During petitioner's term of probation, if he ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation, petitioner may surrender his license to the Board. The Board reserves the right to evaluate petitioner's request and to exercise its discretion whether to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances, without further hearing. Upon formal acceptance of the tendered license and wall certificate, petitioner will no longer be subject to the conditions of probation.

Surrender of petitioner's license shall be considered a disciplinary action and shall become a part of petitioner's license history with the Board. A registered

nurse whose license has been surrendered may petition the Board for reinstatement no sooner than the following minimum periods from the effective date of the disciplinary decision:

- 1) Two years for reinstatement of a license that was surrendered for any reason other than a mental or physical illness; or
- 2) One year for a license surrendered for a mental or physical illness.

- (13) PHYSICAL EXAMINATION - Within 45 days of the effective date of this decision, petitioner, at his expense, shall have a licensed physician, nurse practitioner, or physician assistant, who is approved by the Board before the assessment is performed, submit an assessment of the petitioner's physical condition and capability to perform the duties of a registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If medically determined, a recommended treatment program will be instituted and followed by petitioner with the physician, nurse practitioner, or physician assistant providing written reports to the Board on forms provided by the Board.

If petitioner is determined to be unable to practice safely as a registered nurse, the licensed physician, nurse practitioner, or physician assistant making this determination shall immediately notify the Board and petitioner by telephone, and the Board shall request that the Attorney General's office prepare an accusation or petition to revoke probation. Petitioner shall immediately cease practice and shall not resume practice until notified by the Board. During this period of suspension, petitioner shall not engage in any practice for which a license issued by the Board is required until the Board has notified petitioner that a medical determination permits petitioner to resume practice. This period of suspension will not apply to the reduction of this probationary time period.

If petitioner fails to have the above assessment submitted to the Board within the 45-day requirement, petitioner shall immediately cease practice and shall not resume practice until notified by the Board. This period of suspension will not apply to the reduction of this probationary time period. The Board may waive or postpone this suspension only if significant, documented evidence of mitigation is provided. Such evidence must establish good faith efforts by petitioner to obtain the assessment, and a specific date for compliance must be provided. Only one such waiver or extension may be permitted.

- (14) PARTICIPATE IN TREATMENT/REHABILITATION PROGRAM FOR CHEMICAL DEPENDENCE - Petitioner, at his expense, shall successfully complete during the probationary period or shall have successfully completed prior to commencement of probation a Board-approved treatment/rehabilitation program of at least six months duration. As required, reports shall be submitted by the program on forms provided by the Board. If petitioner has not completed a Board-approved treatment/rehabilitation

program prior to commencement of probation, petitioner, within 45 days from the effective date of the decision, shall be enrolled in a program. If a program is not successfully completed within the first nine months of probation, the Board shall consider petitioner in violation of probation.

Based on Board recommendation, each week petitioner shall be required to attend at least one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as approved and directed by the Board. If a nurse support group is not available, an additional 12-step meeting or equivalent shall be added. Petitioner shall submit dated and signed documentation confirming such attendance to the Board during the entire period of probation. Petitioner shall continue with the recovery plan recommended by the treatment/rehabilitation program or a licensed mental health examiner and/or other ongoing recovery groups.

- (15) ABSTAIN FROM USE OF PSYCHOTROPIC (MOOD-ALTERING) DRUGS -Petitioner shall completely abstain from the possession, injection or consumption by any route of all psychotropic (mood altering) drugs, including alcohol, except when the same are ordered by a health care professional legally authorized to do so as part of documented medical treatment. Petitioner shall have sent to the Board, in writing and within fourteen (14) days, by the prescribing health professional, a report identifying the medication, dosage, the date the medication was prescribed, the petitioner's prognosis, the date the medication will no longer be required, and the effect on the recovery plan, if appropriate.

Petitioner shall identify for the Board a single physician, nurse practitioner or physician assistant who shall be aware of petitioner's history of substance abuse and will coordinate and monitor any prescriptions for petitioner for dangerous drugs, controlled substances or mood-altering drugs. The coordinating physician, nurse practitioner, or physician assistant shall report to the Board on a quarterly basis petitioner's compliance with this condition. If any substances considered addictive have been prescribed, the report shall identify a program for the time limited use of any such substances.

The Board may require the single coordinating physician, nurse practitioner, or physician assistant to be a specialist in addictive medicine, or to consult with a specialist in addictive medicine.

- (16) SUBMIT TO TESTS AND SAMPLES - Petitioner, at his expense, shall participate in a random, biological fluid testing or a drug screening program which the Board approves. The length of time and frequency will be subject to approval by the Board. Petitioner is responsible for keeping the Board informed of petitioner's current telephone number at all times. Petitioner shall

also ensure that messages may be left at the telephone number when he is not available and ensure that reports are submitted directly by the testing agency to the Board, as directed. Any confirmed positive finding shall be reported immediately to the Board by the program and petitioner shall be considered in violation of probation.

In addition, petitioner, at any time during the period of probation, shall fully cooperate with the Board or any of its representatives, and shall, when requested, submit to such tests and samples as the Board or its representatives may require for the detection of alcohol, narcotics, hypnotics, dangerous drugs, or other controlled substances.

If petitioner has a positive drug screen for any substance not legally authorized and not reported to the coordinating physician, nurse practitioner, or physician assistant, and the Board files a petition to revoke probation or an accusation, the Board may suspend petitioner from practice pending the final decision on the petition to revoke probation or the accusation. This period of suspension will not apply to the reduction of this probationary time period.

If petitioner fails to participate in a random, biological fluid testing or drug screening program within the specified time frame, petitioner shall immediately cease practice and shall not resume practice until notified by the Board. After taking into account documented evidence of mitigation, if the Board files a petition to revoke probation or an accusation, the Board may suspend petitioner from practice pending the final decision on the petition to revoke probation or the accusation. This period of suspension will not apply to the reduction of this probationary time period.

- (17) MENTAL HEALTH EXAMINATION - Petitioner shall, within 45 days of the effective date of this decision, have a mental health examination including psychological testing as appropriate to determine his capability to perform the duties of a registered nurse. The examination will be performed by a psychiatrist, psychologist or other licensed mental health practitioner approved by the Board. The examining mental health practitioner will submit a written report of that assessment and recommendations to the Board. All costs are the responsibility of petitioner. Recommendations for treatment, therapy or counseling made as a result of the mental health examination will be instituted and followed by petitioner.

If petitioner is determined to be unable to practice safely as a registered nurse, the licensed mental health care practitioner making this determination shall immediately notify the Board and petitioner by telephone, and the Board shall request that the Attorney General's office prepare an accusation or petition to revoke probation. Petitioner shall immediately cease practice and may not resume practice until notified by the Board. During this period of suspension,

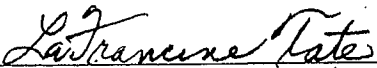
petitioner shall not engage in any practice for which a license issued by the Board is required, until the Board has notified petitioner that a mental health determination permits petitioner to resume practice. This period of suspension will not apply to the reduction of this probationary time period.

If petitioner fails to have the above assessment submitted to the Board within the 45-day requirement, petitioner shall immediately cease practice and shall not resume practice until notified by the Board. This period of suspension will not apply to the reduction of this probationary time period. The Board may waive or postpone this suspension only if significant, documented evidence of mitigation is provided. Such evidence must establish good faith efforts by petitioner to obtain the assessment, and a specific date for compliance must be provided. Only one such waiver or extension may be permitted.

- (18) THERAPY OR COUNSELING PROGRAM - Petitioner, at his expense, shall participate in an on-going counseling program until such time as the Board releases him from this requirement and only upon the recommendation of the counselor. Written progress reports from the counselor will be required at various intervals.
- (19) COST RECOVERY - Petitioner shall pay to the Board costs associated with its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the amount set forth by the Board. Petitioner shall be permitted to pay these costs in a payment plan approved by the Board, with payments to be completed no later than three months prior to the end of the probation term.

If petitioner has not complied with this condition during the probationary term, and petitioner has presented sufficient documentation of his good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of the petitioner's probation period up to one year without further hearing in order to comply with this condition. During the one year extension, all original conditions of probation will apply.

DATED: July 24, 2008

  
\_\_\_\_\_  
LaFRANCINE TATE, Public Member  
President, California Board of Registered Nursing

BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Petition for  
Reinstatement:

**Albert Dacono Sison**

Petitioner.


OAH No. L2005110022

**DECISION**

The attached Decision of the Board of Registered Nursing is hereby adopted by the Board as its Decision in the above-entitled matter.

This Decision shall become effective on February 22, 2006.

IT IS SO ORDERED this 23<sup>rd</sup> day of January 2006.



President  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California

**BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Petition for Reinstatement By:

OAH No. L2005110022

**ALBERT DACONO SISON,**

Petitioner.

**DECISION**

This matter was heard by a quorum of the Board of Registered Nursing (Board) on December 1, 2005, in Glendale, California. The Board members participating in the hearing and decision were LaFrancine Tate, Public Member, President; Jill Furillo, RN, Vice President; Carmen Morales-Board, MSN, NP, RN; Elizabeth O. Dietz, Ed.D., RN, CS-NP; Grace Corse, RN; Janice Glaab, Public Member, Mary C. Hayashi, Public Member; Orlando H. Pile, M.D.; and Susanne Phillips, MSN, RN, APRN-BC, FNP. Chris Ruiz, Administrative Law Judge, Office of Administrative Hearings (OAH), State of California, presided.

Petitioner Albert Dacono Sison represented himself.

Sharon F. Cohen, R.N., Supervising Deputy Attorney General, represented the Office of the Attorney General, California Department of Justice.

Jurisdictional documents were presented. Testimony was taken and oral argument given. The matter was submitted, following which the Board met in an executive session, and the matter was decided the same day.

The below order DENIES the Petition based on the following:

**FACTUAL FINDINGS**

1. On February 7, 1996, the Board issued Petitioner a Registered Nursing License, No. 519163.
2. The Board revoked Petitioner's Registered License No. 519163, effective August 20, 2000, in OAH Case No. L2000010103. The basis for revocation was that Petitioner engaged in unprofessional conduct by making fraudulent entries in progress notes.

3. The Board denied Petitioner's prior Petition for Reinstatement, effective February 15, 2004. The Board's Decision clearly indicated that Petitioner had failed to carry his burden of demonstrating his rehabilitation and fitness to practice nursing.

4. The present Petition, filed with the Board on July 25, 2005, requests reinstatement of Petitioner's Registered Nursing License because being a registered nurse is the only work Petitioner desires.

5. The Board finds that Petitioner was not credible with respect to his testimony concerning his Alcoholic's Anonymous attendance and his date of sobriety. Further, Petitioner took no responsibility for the prior denial of his previous petition for reinstatement. That is, Respondent should have been well aware that he needed to present sufficient evidence to support his present Petition. As with his first Petition, Petitioner did not present sufficient evidence of his rehabilitation.

#### LEGAL CONCLUSIONS

1. The burden in a petition for reduction of an administrative penalty rests, at all times, with the petitioner. *Flanzer v. Board of Dental Examiners* (1990) 220 Cal.App.3d 1392, 1398. The burden of the Petitioner herein is to establish by clear and convincing evidence that he is entitled to the requested relief. B&P Code section 2760.1(b).

2. Cause does not exist to reinstate Petitioner's license.

Government Code section 11522 provides that a person whose license has been revoked may petition the governing agency for reinstatement, and governs such petitions unless another, more specific, statute contains different provisions. Business and Professions ("B&P") Code section 2760.1 specifically applies to the Board, and provides such a petition may be brought.

California Code of Regulations, title 16, section 1445, sets forth the following criteria used in evaluating rehabilitation of a petitioner in such matters: the nature and severity of the acts supporting prior discipline; acts committed subsequent to that discipline; the time that has elapsed between the acts leading to discipline and any subsequent acts of misconduct; compliance with terms of probation or other sanctions lawfully imposed on the petitioner; evidence of expunged convictions; and other evidence of rehabilitation.

In this case, the Board finds that Petitioner does not meet the criteria that apply to his case, and that he has not established his rehabilitation from his prior misconduct based on Factual Findings 1-5.



ORDER

The Petition of ALBERT DACONO SISON for reinstatement of his Registered Nursing License is DENIED. Petitioner may not file another Petition for Reinstatement until two years have passed from the effective date of this decision.

IT IS SO ORDERED. This Decision shall be effective 2/22, 2006.

Dated: 1/23/06

Lafrancine Tate  
LAFRANCINE TATE, Public Member,  
President, California Board of Registered  
Nursing

BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Petition for  
Reinstatement:

Saldy Albert Dacono Sison  
3012 Sunnynook Drive  
Los Angeles, CA 90039

Registered Nurse License No. 519163

Respondent.

OAH No. L2003110301

DECISION

The attached Decision is hereby adopted by the Board of Registered Nursing as its Decision in the above-entitled matter.

This Decision shall become effective on February 15, 2004.

IT IS SO ORDERED this 16<sup>th</sup> day of January, 2004.

*Sandra R. Erickson*

\_\_\_\_\_  
President  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California

BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Petition for  
Reinstatement of:

SALDY JOSE SISON ESTRADA, aka  
SALDY A. SISON, aka SALDY  
ALBERT DACONO SISON,

Petitioner.

OAH No. L2003110301

**DECISION**

On December 4, 2003 a quorum of members of the Board of Registered Nursing (hereinafter the Board) heard this matter in Ontario, California. The Board members present were Sandra Erickson, CRNA, President, LaFrancine Tate, Vice President, Carmen Morales-Board, MSN, RN, NP, Cynthia Johnson, EdD, RN, Grace Corse, RN, Isabella I. Casillas-Guzman, Jill Furillo, RN and Orlando Pile, MD. Administrative Law Judge Timothy S. Thomas, Office of Administrative Hearings, presided.

Sharon F. Cohen, Deputy Attorney General, represented the Attorney General of the State of California.

Saldy Jose Sison Estrada (hereinafter petitioner) represented himself.

The matter was submitted on December 4, 2003.

**FACTUAL FINDINGS**

1. The Board first issued Registered Nursing license number 519463 to petitioner on February 7, 1996.

2. Effective August 20, 2000 the Board adopted as its Decision the Proposed Decision of Administrative Law Judge Joseph D. Montoya, revoking petitioner's license to practice nursing. The following factual findings are taken from Judge Montoya's Proposed Decision submitted on June 15, 2000 following a full evidentiary hearing.

"In August 1996, Respondent knowingly prepared, made, or subscribed a writing with intent to present or use the same, or to allow it to be presented or used in support of a false or fraudulent claim. That is, on the thirtieth day of that month, he submitted a bill to Unicare Home Health Services, Inc. to obtain payment for a home-patient visit he purportedly made that day with patient F.R. in Los Angeles, California. In fact, he did not make that visit.

"Further, on or about August 30, 1996, Respondent made fraudulent entries into the progress notes for patient F.R., which purported to be in assessment of that patient's condition. The entries included vital signs such as respiration, temperature, and blood pressure. These were false progress notes, as Respondent did not see the patient on the day in question.

...

"In the course of the proceeding it was revealed that Respondent had once been convicted of a serious crime. [Footnote omitted.] Prior to applying for his nurses' [sic] license, he had been convicted of grand theft, having stolen \$2,800 from his former employer, Security Pacific Bank. Those thefts occurred in August 1989, and the conviction entered in August 1992, before the Superior Court of California, for the County of Los Angeles. The name of the case was *People v. Zaldy Jose Estrada*, Case No. BA-005907-01.

...

"Respondent's testimony was not wholly credible, as his prior conviction tends to contradict his statements that his dishonest act resulted from drug and alcohol addiction. There is no evidence that he suffered from those problems when he stole from the bank."

3. On November 16, 1999 petitioner was convicted by his plea of guilty to violating Business and Professions Code section 4324(a), forgery of a prescription. As part of the plea bargain, burglary charges were dismissed. Petitioner was placed on three years' summary probation.

4. Sometime in 2002 petitioner was arrested for "fighting with friends." According to petitioner,<sup>1</sup> he was sentenced to 36 weeks of anger management counseling, and after successful completion of the program the charges were dismissed in 2003.

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<sup>1</sup> This incident was revealed at petitioner's hearing for reinstatement. The court documents concerning the charges and disposition were not available, and petitioner could not recall the precise nature of the charges.

5. Petitioner states that he was addicted to vicodin in 1999 when he forged the prescription. He also abused alcohol. He voluntarily sought treatment with Impact House, an outpatient facility. The treatment lasted for three months and he then moved into a residential facility, Puente House, located in Covina, California. He remained at Puente House almost one year, and claims he has not taken drugs illegally since 1999. He claims to have attended group-counseling sessions weekly for six months thereafter. However, he presented no documentary evidence of his performance in any program of drug rehabilitation, and admits he has no sponsor connected with an Alcoholics or Narcotics Anonymous program. And, while admitting he "reacts badly to alcohol," he states that he still occasionally drinks.

6. In 2003 petitioner completed a 30-hour continuing education program involving nursing care of the elderly.

7. Judge Montoya, in his Proposed Decision, concluded, in part:

"There is no evidence that Respondent's technical skills are lacking; in fact, he presented evidence to the contrary. However, more is required of a registered nurse than technical skill. Like any other professional, a registered nurse must demonstrate honesty and integrity. This is more than a lofty ideal or bare legal stricture; it is a practical necessity because no nurse's report or chart can have currency if that nurse's honesty is open to question. Not only patients but other medical practitioners and institutions must be able to rely upon the integrity of every practitioner if patients are to receive the best possible care. This fundamental principle was surely in mind when the Board instituted this action.

"It is also fundamental that the purpose of these proceedings is to protect the public and not to punish the Respondent. [Citation omitted.] Given Respondent's propensity for dishonest conduct, his excuse of addiction (itself grounds for discipline) and his efforts at rehabilitation are not sufficient to save his license, as a probationary license is unlikely to protect the public. Hopefully, at some future date Respondent can carry the burden of establishing his complete rehabilitation, so that his skills can be put to a productive use."

8. Despite Judge Montoya's clear admonition to petitioner to be prepared to demonstrate rehabilitation and fitness to practice nursing upon petitioning for reinstatement, petitioner offered very little at this hearing. He presented no written proof of participation in any rehabilitation program, and no reports from rehabilitation counselors or group leaders attesting to his performance in any program. He has not remained law-abiding, and it is somewhat alarming that despite his own assessment that he "reacts badly to alcohol," he continues to drink, if only occasionally. The members of the Board will continue to require petitioner to satisfy his burden of proof in any future reinstatement proceeding.

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## LEGAL CONCLUSIONS

1. A Registered Nurse whose license has been revoked may petition the Board for reinstatement after a period of not less than three years has elapsed from the effective date of the revocation. (Business and Professions Code section 2760.1(a).)

2. The petitioner shall have the burden to establish by clear and convincing evidence that he or she is entitled to the relief sought in the petition. (Business and Professions Code section 2760.1(b).) In this matter, petitioner has failed to carry, by any standard, the burden of proof.

## ORDER

The Petition for Reinstatement of Saldy Jose Sison Estrada is denied.

DATED: January 16, 2004

Sandra Erickson  
Sandra Erickson, CRNA  
President  
Board of Registered Nursing

**BEFORE THE BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

ZALDY JOSE SISON ESTRADA, also known  
As SALDY ALBERT DACONO SISON,

1230 Monterey Court  
Duarte, California 91010  
Registered Nurse License No. 519163

\_\_\_\_\_  
Respondent.

) Case No. 2000-74

) OAH No. L-2000010103

DECISION

The attached Proposed Decision of the Administrative Law Judge is hereby  
adopted by the Board of Registered Nursing as its Decision in the above-entitled matter.

This Decision shall become effective August 20th, 2000.

IT IS SO ORDERED July 21st, 2000.

BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By \_\_\_\_\_

*May Jo Gary Mlaenan*

sp

**BEFORE THE BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:	) Case No. 2000-74
	)
ZALDY JOSE SISON ESTRADA, also known	) OAH No. L-2000010103
As Saldy Albert Dacono Sison,	)
	)
1230 Monterey Court	)
Duarte, California 91010	)
Registered Nurse License No. 519163	)
	)
Respondent.	)

**PROPOSED DECISION**

Joseph D. Montoya, Administrative Law Judge, Office of Administrative Hearings, heard this case on May 16, 2000, at Los Angeles, California. Complainant was represented by Mr. Robert S. Eisman, Deputy Attorney General. Respondent appeared with his attorney, Mr. Allen D. Annis.

Evidence was received, the case was argued, and the matter submitted for decision on the hearing date. Thereafter, Respondent's counsel submitted a letter dated May 16, 2000. Mr. Eisman, for Complainant, replied by a letter dated May 22, 2000. In all the circumstances, the record shall be ordered reopened to receive those letters into evidence, Respondent's as Exhibit "C", and Complainant's as Exhibit 5. The case is deemed re-submitted for decision on May 22, 2000.

The Administrative Law Judge hereby makes his factual findings, legal conclusions, and orders, as follows.

**FACTUAL FINDINGS**

1. Complainant Ruth Ann Terry, M.P.H., R. N., filed the accusation in the above-captioned matter while acting in her official capacity as Executive Officer of the Board of Registered Nursing ("the Board"), Department of Consumer Affairs.

2. On February 7, 1996, the Board issued a registered nurse's license to Respondent Zaldy Jose Sison Estrada, also known as Saldy Abert Dacono Sison. That license, number 519163, is valid through May 31, 2001. Respondent is also known as Albert Sison.



3. In August 1996, Respondent knowingly prepared, made, or subscribed a writing with intent to present or use the same, or to allow it to be presented or used in support of a false or fraudulent claim. That is, on the thirtieth day of that month, he submitted a bill to Unicare Home Health Services, Inc. to obtain payment for a home-patient visit he purportedly made that day with patient F. R. in Los Angeles, California. In fact, he did not make that visit.

4. Further, on or about August 30, 1996, Respondent made fraudulent entries into the progress notes for patient F.R, which purported to be in assessment of that patient's condition. The entries included vital signs such as respiration, temperature, and blood pressure. These were false progress notes, as Respondent did not see the patient on the day in question.

5. (A) At the outset of this proceeding Respondent admitted his professional wrongdoing, and sought to mitigate it by establishing that he is an alcoholic, and in the throes of the disease at the time of the wrongful acts. He attested to being driven to substance abuse by problems his family faced back home, and by changes at his place of employment after he began working as a registered nurse. He also sought to establish rehabilitation, having voluntarily sought treatment in 1999, prior to the filing of this proceeding. The efforts at rehabilitation are described further below.

(B) Beginning in early 1999, Respondent became increasingly depressed about his lot, his use of alcohol, and Vicodin. He contacted a friend who took Respondent to a Narcotic Anonymous meeting. From there Respondent began to work toward rehabilitation.

(C) In furtherance of those efforts Respondent became associated with Impact House, an out-patient facility oriented to the treatment of drug and alcohol addiction. Treatment with that facility lasted from approximately September 1999 until December of that year. Respondent was regularly tested for drugs and alcohol, and passed those tests. On December 2, 1999, he moved into Puente House, located in Covina, California.

(D) Puente House is a residential treatment facility, with stringent standards. Residents are required to attend numerous meetings and counseling sessions. Any relapse leads to rejection from the program. Participants are heavily and closely monitored. Since moving to Puente House Respondent has been wholly cooperative with the management. He has not used drugs or alcohol while living there.

6. Respondent has been employed as a registered nurse since he began his efforts at rehabilitation, without complaint from any employer. As to his professional work, the instant proceeding is the only action ever taken against him by the Board. His current employer, aware of his circumstances and the basis for this proceeding, supports his continued licensure.

7. (A) In the course of the proceeding it was revealed that Respondent had once been convicted of a serious crime.<sup>1</sup> Prior to applying for his nurses' license, he had been convicted of grand theft, having stolen \$2,800.00 from his former employer, Security Pacific National Bank. Those thefts occurred in August 1989, and the conviction entered in August 1992, before the Superior Court of California, for the County of Los Angeles. The name of the case was *People v. Zaldy Jose Estrada*, Case No. BA-005907-01.

(B) Respondent's conviction followed his entry of a guilty plea. He was placed on three years probation, ordered to pay restitution, and to perform 400 hours community service. Various other conditions, common to probation grants, were imposed. Respondent completed his probation in 1995. In May of that year his conviction was deemed a misdemeanor, his probation terminated early, and the conviction "expunged" pursuant to Penal Code section 1203.4.

8. Respondent's testimony was not wholly credible, as his prior conviction tends to contradict his statements that his dishonest act resulted from drug and alcohol addiction. There is no evidence that he suffered from those problems when he stole from the bank.

9. The Board of Registered Nursing incurred costs in the course of investigating and prosecuting this matter. The reasonable amount of those costs is \$5,811.00.

### LEGAL CONCLUSIONS

1. Cause exists to revoke or suspend or otherwise discipline the registered nurse's license issued to Respondent Zaldy Jose Sison Estrada, also known as Saldy Albert Dacono Sison, and also known as Albert Sison, pursuant to Business and Professions Code<sup>2</sup> section 810, for unprofessional conduct, based on Factual Findings 2 and 3.

2. Cause exists to revoke or suspend or otherwise discipline the registered nurse's license issued to Respondent Zaldy Jose Sison Estrada, also known as Saldy Albert Dacono Sison, and also known as Albert Sison, pursuant to Code section 2761(a), for unprofessional conduct, based on Factual Findings 2 and 4.

3. There are aggravating circumstances, based on Factual Findings 3, 4, and 8.

4. There are mitigating circumstances, based on Factual Findings 5(A) and 6, and there is evidence of rehabilitation, based on Factual Findings 5(A) through (D).

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<sup>1</sup> The Complainant had not pleaded this conviction. Instead, it was revealed when Respondent was cross-examined.

<sup>2</sup> Hereafter all statutory references shall be to the Business and Professions Code, cited as "Code", unless otherwise noted.

5. The Board is entitled to recover its reasonable costs of investigating and prosecuting this matter pursuant to Code section 125.3, based on Legal Conclusions 1 and 2. The reasonable amount of those costs is \$5,811.00 based on Factual Finding 9.

6. Notwithstanding the evidence in mitigation and rehabilitation, Respondent's license should be revoked, based on Factual Findings 3, 4, 7(A) and (B), and 8, and the discussion below.

#### Discussion and Rationale:<sup>3</sup>

The Accusation in this matter asserted that Respondent had acted unprofessionally by submitting false billing statements to an employer, and by falsifying a patient's chart. Before the hearing commenced, Respondent admitted the truth of these allegations, among the most serious that the Board of Registered Nurses can make against one of its licensees.

Respondent attested that financial and other hardships suffered by his family back in the Philippines, as well as other personal issues, led him to abuse alcohol and the drug Vicodin. In turn, he stated, this interfered with his ability to see right from wrong, and thus on the occasion in question he falsified important legal and medical documents. Much of his testimony was the story of how his problems and addictions drove him from the righteous path he had otherwise pursued since being raised up in a religious and law-abiding family, a background that had otherwise allowed him to complete a college education and obtain a coveted nursing license.

Practical experience and medical science both teach that otherwise upstanding people often commit wrongful acts while suffering from alcohol or drug addiction. In many cases, where a licensee has begun rehabilitation on his or her own, such a defense might resonate with this Administrative Law Judge, and even with the Board, leading to such leniency as a probationary order. This case, however, does not fall into that category.

In the course of cross-examination, Respondent was asked whether he had ever had a problem with an employer; he asserted he had not. To be fair, he quite likely considered the question as pertaining to those who employed him as a nurse. In any event, Complainant's counsel soon established that Respondent had on an earlier occasion stolen a large sum of money from an employer, leading to a conviction for grand theft. This event calls into question Respondent's basic integrity, not because he might have lied in response to the question, but because on two occasions in seven years he has committed serious acts of dishonesty towards those who have trusted him.

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<sup>3</sup> The section that follows is within the ambit of Government Code section 11425.50(d) and is intended to explain the basis of the findings and conclusions, and to discuss evidence and legal issues. It is intended to augment credibility findings as well.

The first dishonest act occurred in August 1989, when Respondent was twenty years old. The second occurred in August 1996, just seven months after the Board first licensed Respondent, and at a time when things were supposedly going well at his first registered nursing job. (See Respondent's Statement, Attachment "A" to Respondent's Exhibit "A", at page 3, line 7: "I did very well on *my first year* as a registered nurse until . . . ." (Emphasis added).)<sup>4</sup> On the first occasion Respondent stole a large sum of money from the bank that employed him. This dishonest act is not explained by the misfortunes allegedly suffered by Respondent's family, the stress of cutbacks at work, or an addiction to alcohol and drugs, all of which assertedly began *after* Respondent received a license from the Board. (See Respondent's Statement, Attachment "A" to Respondent's Exhibit "A", at pages 3 and 4.) Instead, the conviction for grand theft stands starkly alone in Respondent's past, indicating that more is amiss than a weakness for booze and pills.

The Board was informed of the conviction, and it is reasonably inferred that noting the passage of time and Respondent's successful completion of criminal probation, the Board decided to give Respondent an opportunity. If that is so, Respondent failed to fulfill the Board's expectations, and in one sense betrayed the Board's trust when he resorted to falsifying billing records and medical charts.

There is no evidence that Respondent's technical skills are lacking; in fact he presented evidence to the contrary. However, more is required of a registered nurse than technical skill. Like any other professional, a registered nurse must demonstrate honesty and integrity. This is more than a lofty ideal or bare legal stricture; it is a practical necessity because no nurse's report or chart can have currency if that nurse's honesty is open to question. Not only patients but other medical practitioners and institutions must be able to rely upon the integrity of every practitioner if patients are to receive the best possible care. This fundamental principle was surely in mind when the Board instituted this action.

It is also fundamental that the purpose of these proceedings is to protect the public, and not to punish the Respondent. (See, e.g., *Camacho v. Youde* (1979) 95 Cal. App. 3d 161, 164.) Given Respondent's propensity for dishonest conduct, his excuse of addiction (itself grounds for discipline) and his efforts at rehabilitation are not sufficient to save his license, as a probationary license is unlikely to protect the public. Hopefully, at some future date Respondent can carry the burden of establishing his complete rehabilitation, so that his skills can be put to a productive use. But, he has established that he is now fit, and his license must be forfeited for the public good.

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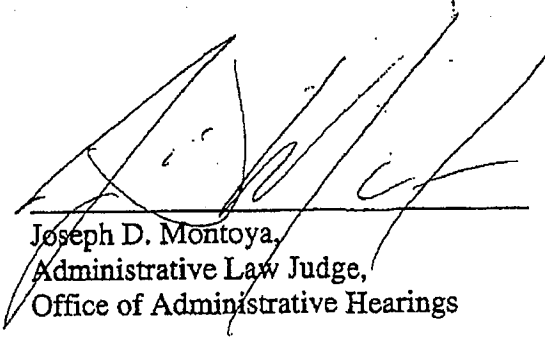
<sup>4</sup> At the hearing, Respondent was essentially allowed to read this statement into the record, as part of his direct testimony.

**ORDER**

The registered nurses license issued to Respondent Zaldy Jose Sison Estrada, also known as Saldy Albert Dacono Sison, and also known as Albert Sison, number 519163, is hereby revoked.

Upon reinstatement of the license, Respondent shall pay to the Board of Registered Nursing costs associated with its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the amount of \$5,811.00. Respondent shall be permitted to pay these costs in a payment plan approved by the Board.

June 15, 2000



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Joseph D. Montoya,  
Administrative Law Judge,  
Office of Administrative Hearings

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of the State of California  
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7  
8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation  
Against:

NO. 2000-74

13 ZALDY JOSE SISON ESTRADA, also known as  
14 SALDY ALBERT DACONO SISON  
1230 Monterey Court  
15 Duarte, California 91010  
16 Registered Nurse License No. 519163

ACCUSATION

Respondent.

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19 Ruth Ann Terry, M.P.H., R.N., for causes for discipline, alleges:

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21 1. Complainant Ruth Ann Terry, M.P.H., R.N., makes and files this accusation in  
22 her official capacity as Executive Officer, Board of Registered Nursing, Department of  
23 Consumer Affairs.

24  
25 2. On February 7, 1996, the Board of Registered Nursing issued registered nurse  
26 license number 519163 to Zaldy Jose Sison Estrada, also known as Saldy Albert Dacono Sison.  
27 The license will expire on May 31, 2001, unless renewed.

1           3. Under Business and Professions Code section 2750, the Board of Registered  
2 Nursing may discipline any licensee, including a licensee holding a temporary or an inactive  
3 license, for any reason provided in Article 3 of the Nursing Practice Act.

4           Under Business and Professions Code section 2764, the expiration of a license  
5 shall not deprive the board of jurisdiction to proceed with a disciplinary proceeding against the  
6 license or to render a decision imposing discipline on the license.

7           Under Business and Professions Code section 125.3, the Board may request the  
8 administrative law judge to direct a licensee found to have committed a violation or violations  
9 of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
10 enforcement of the case.

11  
12           4. Respondent has subjected his license to discipline under Business and  
13 Professions Code section 810 on the grounds of unprofessional conduct, in that, while  
14 employed as a registered nurse by Unicare Home Health Services, Inc., in Los Angeles,  
15 California, he knowingly prepared, made, or subscribed a writing, with intent to present or use  
16 the same, or to allow it to be presented or used in support of any false or fraudulent claim in  
17 that respondent submitted a bill to Unicare Home Health Services, Inc. on or about August 30,  
18 1996 for payment for a home patient visit he said he made on August 30, 1996 to patient F.R.,  
19 in Los Angeles, California, when, in fact, he did not see patient F.R. on August 30, 1996.

20  
21           5. Respondent has subjected his license to discipline under Business and  
22 Professions Code section 2761(a) on the grounds of unprofessional conduct, in that while  
23 employed by Unicare Home Health Services, Inc., in Los Angeles, California, he committed the  
24 following:

- 25           a. The act as set forth in paragraph 4 above.
- 26           b. Respondent fraudulently made entries (an assessment of patient F.R.,  
27 including vital signs such as respiration, blood pressure, and temperature) on progress notes

1 dated August 30, 1996 for patient F.R. for a home patient visit respondent said he made on  
2 August 30, 1996 to patient F.R. when; in fact, he did not see patient F.R. on August 30, 1996.  
3

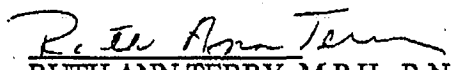
4 WHEREFORE, complainant prays that a hearing be held and that the Board of  
5 Registered Nursing make its order:

6 1. Revoking or suspending registered nurse license number 519163, issued to  
7 Zaldy Jose Sison Estrada, also known as Saldy Albert Dacono Sison.

8 2. Ordering Zaldy Jose Sison Estrada, also known as Saldy Albert Dacono Sison  
9 to pay to the Board its costs in investigating and enforcing the case according to proof at the  
10 hearing, pursuant to Business and Professions Code section 125.3.

11 3. Taking such other and further action as may be deemed proper and appropriate.  
12

13 DATED: 11/1/99  
14

15   
16 RUTH ANN TERRY, M.P.H., R.N.  
17 Executive Officer  
18 Board of Registered Nursing  
19 Department of Consumer Affairs  
20 State of California

21 Complainant  
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